

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

September 4, 2017

To: Subcommittee on Oversight and Investigations Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “EPA Oversight: Unimplemented Inspector General and GAO Recommendations”

On Wednesday, September 6, 2017 at 10:15 a.m. in room 2322 of the Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing examining the status of unimplemented recommendations for the U.S. Environmental Protection Agency by the U.S. Environmental Protection Agency Office of Inspector General and the U.S. Government Accountability Office. The hearing is entitled “EPA Oversight: Unimplemented Inspector General and GAO Recommendations.”

I. BACKGROUND

The mission of the U.S Environmental Protection Agency (EPA) is to protect human health and the environment. In consultation with federal, state, local, and tribal government partners, the Agency leads efforts to reduce environmental risk and enforce laws that fairly and effectively protect human health and the environment.¹ In a 2015 report to Congress, the Office of Management and Budget (OMB) found that the EPA’s major rules promulgated between 2004 and 2014 resulted in more benefits than major rules by any other agency over the same period. In aggregate, the 32 major rules promulgated by EPA had benefits between \$160 billion and \$788 billion, compared to costs of just \$38 billion to \$45 billion.²

¹ U.S. Environmental Protection Agency, Our Mission and What We Do (www.epa.gov/aboutepa/our-mission-and-what-we-do).

² Office of Management and Budget, *2015 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act* (2015).

The Inspector General Act of 1978 (“IG Act”) established independent inspectors general to conduct and supervise audits and investigations, prevent and detect fraud and abuse, and provide a means for keeping Congress and each agency head fully and currently informed about problems and deficiencies related to agency actions.³ EPA’s Office of Inspector General (OIG) issues semiannual reports to Congress that summarize areas assessed during the six month period, detail the progress that EPA has made during that period, and propose recommendations for agency improvement.⁴ A short summary of the latest report is provided directly below.

II. UNIMPLEMENTED EPA OIG RECOMMENDATIONS

The IG Act requires the EPA OIG to identify and summarize each significant recommendation described in prior semiannual reports to Congress for which corrective action has not been completed. EPA OIG is also required by the Act to calculate potential cost savings of the unimplemented recommendations.⁵ According to the OIG’s May 2017 semiannual report, the mission of the OIG “becomes even more imperative as the agency faces proposed budget cuts.”⁶

The May 2017 semiannual report to Congress identified 58 past reports with unimplemented recommendations and calculated potential cost savings of \$103.33 million for the current open and unimplemented recommendations for the EPA, of which \$13 million was sustained by the agency.⁷ Recommendations in the most recent report address issues including, but not limited to, use of Superfund Special Accounts; EPA development of strategies for monitoring state nutrient reduction activities in the Gulf of Mexico; and the need for EPA to clarify agency authority to issue emergency orders to protect the public, in light of drinking water contamination in Flint, Michigan.⁸

III. U.S. GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS FOR EPA

The U.S. Government Accountability Office (GAO) has conducted reviews focused on many aspects of EPA’s operations and programs. For example, GAO has conducted reviews on EPA programs for managing toxic chemicals, water infrastructure improvement, and hazardous waste site cleanup. GAO has also reviewed EPA operations, including workforce planning,

³ 5 U.S.C. Appx. § 2.

⁴ U.S. Environmental Protection Agency, *Semiannual Reports to Congress* (www.epa.gov/office-inspector-general/semiannual-reports-congress).

⁵ 5 U.S.C. Appx. § 5.

⁶ U.S. Environmental Protection Agency, *Semiannual Report to Congress October 1, 2016—March 31, 2017* (May 2017) (EPA-350-R-17-001).

⁷ *Id.*

⁸ *Id.*

processes for regulatory development and enforcement, and information security systems.⁹ GAO has issued recommendations on many aspects of EPA programs and operations, including management and operations; water issues; environmental contamination and cleanup; toxics, chemical safety, and pesticides; air quality, climate change, and energy efficiency; and public health and environmental justice.¹⁰

IV. WITNESSES

The following witnesses have been invited to testify:

Alan Larsen
Counsel to the Inspector General
U.S. Environmental Protection Agency

Alfredo Gómez
Director
Natural Resources and Environment Team
U.S. Government Accountability Office

⁹ U.S. Government Accountability Office, *Testimony Before the Subcommittee on Superfund, Waste Management, and Regulatory Oversight, Committee on Environment and Public Works, U.S. Senate – Environmental Protection: Status of GAO Recommendations to EPA* (June 14, 2016) (www.epw.senate.gov/public/_cache/files/2/a/2a7be4bb-48b0-444b-9709-b45f910a73a8/839FDB0A8E8677167B28C28A92719DB1.gao-testimony.pdf).

¹⁰ *Id.*